

EXHIBIT 32

MAO DECLARATION OPPOSITION TO SUMMARY JUDGMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, et al.,
Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.

3:20-cv-04688-RS

HIGHLY CONFIDENTIAL -
ATTORNEYS' EYES ONLY
ZOOM VIDEOTAPED DEPOSITION OF
DONNA L. HOFFMAN, Ph.D.
Tuesday, July 11, 2023
10:15 a.m. PDT

TAKEN BY:

ALEXANDER FRAWLEY, ESQ.
ATTORNEY FOR PLAINTIFF

REPORTED BY:

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1 paragraphs in my report, which cite 17:02:20
2 specific pages from Google policies. 17:02:23
3 BY MR. FRAWLEY: 17:02:23
4 Q. Does this Google Privacy 17:02:37
5 Policy, Exhibit 15, provide a definition 17:02:38
6 of "Google Account"? 17:02:41
7 MS. AGNOLUCCI: Object to form 17:02:45
8 and scope. 17:02:46
9 A. I'm not sure how to answer 17:02:55
10 that because I think for most users, 17:02:56
11 Google Account is your -- is your 17:03:01
12 account. 17:03:02
13 BY MR. FRAWLEY: 17:03:08
14 Q. What do you mean -- can you 17:03:08
15 elaborate on that? 17:03:09
16 A. Well, I think people have 17:03:11
17 a -- an understanding, a lay 17:03:13
18 understanding of what it means to have an 17:03:14
19 account with Google. 17:03:16
20 Q. How do you know that people 17:03:20
21 have a lay understanding of what it means 17:03:21
22 to have an account at Google? 17:03:23
23 A. Well, based on my experience 17:03:24
24 as an internet expert and an expert on 17:03:27
25 online consumer behavior and given that 17:03:31

1 the internet has been a commercial medium 17:03:34
2 for about 30 years now, I think it is 17:03:36
3 fair to say that consumers have a lay 17:03:38
4 understanding of what it means to set up 17:03:41
5 an account on an online service. 17:03:43

6 Q. Did you do any user studies 17:04:02
7 for this case to assess whether users 17:04:05
8 have an understanding of what it means to 17:04:09
9 set up a Google Account? 17:04:10

10 A. No. 17:04:11

11 Q. I just want to return to a 17:04:12
12 question I asked because I don't think I 17:04:37
13 got an answer. And you should take your 17:04:38
14 time to review, but does the privacy 17:04:42
15 policy, Exhibit 15, contain a definition 17:04:45
16 of "Google account"? 17:04:47

17 MS. AGNOLUCCI: Object to form 17:04:50
18 and scope. 17:04:51

19 A. I believe I answered that. 17:04:55
20 It -- the privacy policy discusses the 17:04:57
21 opportunity to sign up for a Google 17:05:00
22 account and it says you can do that if 17:05:03
23 you want to create and manage content, 17:05:04
24 like e-mails, photos, or you want to see 17:05:07
25 your search results. It explains that 17:05:10

1 you can use Google even if you don't have 17:05:13
2 an account or if you're signed out and it 17:05:16
3 gives you examples of that, and I think 17:05:19
4 that's a pretty nice statement suggesting 17:05:21
5 that there's a lay interpretation of what 17:05:25
6 it means to have a Google account, like 17:05:27
7 any on -- like any account on an online 17:05:30
8 service. 17:05:34
9 BY MR. FRAWLEY: 17:05:34
10 Q. So would you just describe 17:05:39
11 to me -- that's the definition of Google 17:05:40
12 account provided in the privacy policy? 17:05:44
13 MS. AGNOLUCCI: Object to form. 17:05:54
14 A. It's an example of a Google 17:05:55
15 account. 17:06:01
16 BY MR. FRAWLEY: 17:06:01
17 Q. Is it a definition? 17:06:01
18 A. Well -- 17:06:03
19 MS. AGNOLUCCI: Object to form. 17:06:04
20 A. -- what do you mean by 17:06:05
21 "definition"? Like, who would the 17:06:06
22 definition be for? Is it a technical 17:06:08
23 definition? Is it a lay definition? 17:06:10
24 What is the purpose of the definition? I 17:06:12
25 think this is a reasonable discussion of 17:06:14

1 a definition for the population that's 17:06:16
2 reading this page. 17:06:20
3 BY MR. FRAWLEY: 17:06:23
4 Q. Yeah, to be clear, I -- when 17:06:23
5 I ask about a definition, I'm thinking of 17:06:25
6 a definition that Google is providing to 17:06:27
7 its users. Does that help? 17:06:29
8 A. Not really. The privacy 17:06:31
9 policy has quite a few terms. It has 17:06:35
10 videos. It has examples. It says it 17:06:40
11 provides definitions. There's a lot of 17:06:44
12 information in here. There are quite a 17:06:46
13 few links. So I don't see why there 17:06:49
14 isn't some sort of definition of what a 17:06:53
15 Google account is. I'm not sure what 17:06:56
16 you're looking for, what you're not 17:06:58
17 finding in the definition of "Google 17:07:00
18 Account" that's listed in this privacy 17:07:03
19 policy. 17:07:05
20 Q. Right. So I'm not asking 17:07:07
21 about any links, at least not right now. 17:07:08
22 I'm just asking about the Google Privacy 17:07:12
23 Policy in Exhibit 15. And the question 17:07:15
24 is, in that document, is there a 17:07:17
25 definition provided to users which 17:07:19

1 defines "Google account"? 17:07:22

2 A. Well -- 17:07:30

3 MS. AGNOLUCCI: Object to form 17:07:30

4 and scope. 17:07:32

5 A. -- under the principles of 17:07:32

6 progressive disclosure, this document 17:07:34

7 also includes its links and its videos 17:07:35

8 and other supporting material that people 17:07:40

9 would have the opportunity to follow up 17:07:42

10 if they so desired. 17:07:44

11 BY MR. FRAWLEY: 17:07:44

12 Q. So fair to say that this 17:07:55

13 document, the Google Privacy Policy, 17:07:58

14 should be understood -- understood 17:08:00

15 together with the materials to which it 17:08:01

16 links? 17:08:04

17 MS. AGNOLUCCI: -- object to 17:08:08

18 form. 17:08:08

19 A. Well, it depends -- should 17:08:09

20 be understood by whom? Again, under the 17:08:12

21 principles of progressive disclosure and 17:08:14

22 this is targeted to users and user 17:08:17

23 consumers, if people want to understand 17:08:20

24 more details about the privacy policy 17:08:24

25 than are provided in this, what -- 17:08:27

1 very -- you know, 33-page overview, they 17:08:30
2 can delve further by clicking links, 17:08:33
3 watching videos and -- and so on. 17:08:38

4 BY MR. FRAWLEY: 17:08:38

5 Q. So do you disagree with my 17:08:41
6 characterization that the privacy -- the 17:08:43
7 Google Privacy Policy should be 17:08:48
8 understood by users together with the 17:08:51
9 materials to which the privacy policy 17:08:54
10 links? 17:08:56

11 MS. AGNOLUCCI: Object to form. 17:08:59

12 A. Well, I disagree with the 17:09:01
13 way that you're saying it. I mean, this 17:09:02
14 is a -- for some people, this privacy 17:09:04
15 policy will be enough for them to 17:09:09
16 understand Google's Privacy Policy. For 17:09:10
17 other users, since we're talking about a 17:09:13
18 heterogeneous user base, this privacy 17:09:16
19 policy will not be enough and they would 17:09:19
20 like to learn more and they'll be able to 17:09:20
21 do that and these "learn mores" are of a 17:09:23
22 variety of data and policy and category 17:09:26
23 and contextual forms. So depending what 17:09:33
24 someone wishes to click, they can learn 17:09:38
25 more about that particular thing. 17:09:39

1 BY MR. FRAWLEY: 17:09:39

2 Q. So for a user who is looking 17:09:44

3 for a definition from Google of "Google 17:09:46

4 account," will that user be satisfied 17:09:52

5 with this privacy policy or -- or will 17:09:56

6 that user want to click more? 17:09:57

7 A. Well, who is the user? 17:10:02

8 MS. AGNOLUCCI: Object to form 17:10:04

9 and scope. 17:10:04

10 BY MR. FRAWLEY: 17:10:04

11 Q. Any Google user seeking 17:10:08

12 to -- seeking out definition of the term 17:10:10

13 "Google account." Are you -- are you 17:10:13

14 taking the position that that user will 17:10:16

15 need to look beyond the Google Privacy 17:10:18

16 Policy? 17:10:21

17 A. No. 17:10:24

18 Q. Okay. That's helpful. 17:10:24

19 Where in the Google Privacy 17:10:29

20 Policy does Google provide the definition 17:10:32

21 of "Google account"? 17:10:34

22 A. I'm not taking a position on 17:10:35

23 where in the privacy policy Google 17:10:39

24 provides definition of an account. That 17:10:41

25 was not part of my assignment. 17:10:44

1 I am taking the position 17:10:46
2 that you cannot think of users as a 17:10:47
3 monolith. Users are heterogeneous and 17:10:51
4 that it's not possible to identify any 17:10:54
5 user and say what it is they would or not 17:10:55
6 be satisfied with or what information 17:10:58
7 they would or would not wish to learn 17:11:00
8 more about. 17:11:03

9 Q. I want to go back to a prior 17:11:22
10 exhibit. Let's go to Exhibit 14. 17:11:24

11 A. I'm there. 17:11:35

12 Q. Okay. Do you have an 17:11:37
13 opinion about -- well, let me just orient 17:11:39
14 us. 17:11:42

15 Exhibit 14 is the WAA Help 17:11:42
16 Page, right? 17:11:44

17 A. It's the WAA -- WAA 17:11:44
18 activity -- yes, you can think of it as 17:11:48
19 the WAA Help Page, yes. 17:11:51

20 Q. Do you have any opinion on 17:11:52
21 whether the WAA Help Page provides users 17:11:57
22 with a definition of "Google account"? 17:11:59

23 A. I -- I would give the same 17:12:01
24 answer that I just gave. 17:12:06

25 Q. So you don't have an opinion 17:12:15

1 about whether the WAA Help Page provides 17:12:16
2 a definition? Let me ask it -- let me 17:12:18
3 ask it differently. 17:12:21

4 Were you assigned to render 17:12:23
5 an opinion about whether the WAA Help 17:12:26
6 Page contains a definition for users of 17:12:31
7 the term "Google account"? 17:12:33

8 A. No. 17:12:37

9 Q. Can you please review 17:12:45
10 Exhibit 14, the WAA Help Page, and tell 17:12:47
11 me if, right now sitting here, you're 17:12:53
12 able to find a definition for "Google 17:12:53
13 account" and please take your time. 17:12:55

14 A. I can tell you -- 17:12:56

15 MS. AGNOLUCCI: Object to form 17:13:00
16 and scope. 17:13:00

17 A. -- I'm -- I'm not able to 17:13:01
18 because this page has links and the links 17:13:03
19 are not active. 17:13:06

20 BY MR. FRAWLEY: 17:13:06

21 Q. So without looking at the 17:13:08
22 links, you're unable to tell me -- to 17:13:09
23 point me to a definition of "Google 17:13:13
24 account" in the WAA Help Page? 17:13:15

25 A. I don't think it's a fair 17:13:19

1 question because this page is linked from 17:13:20
2 the privacy policy page and we've 17:13:22
3 discussed the privacy policy page 17:13:25
4 discusses the Google account page and 17:13:27
5 provides, I think, a lay explanation of 17:13:30
6 what a Google account is. 17:13:31

7 Q. So fair to say that the WAA 17:13:35
8 Help Page should be understood in 17:13:38
9 connection with the privacy policy? 17:13:40

10 MS. AGNOLUCCI: Object to form. 17:13:44

11 A. When you say "should be 17:13:48
12 understood," I'm not -- I'm not sure what 17:13:50
13 you mean. 17:13:53

14 BY MR. FRAWLEY: 17:13:53

15 Q. It sounds like to me that as 17:13:56
16 I'm asking you questions, you're -- as 17:13:59
17 I'm asking you questions about one 17:14:03
18 document, in your answer, you're talking 17:14:05
19 about other documents, right? 17:14:06

20 MS. AGNOLUCCI: Object to form. 17:14:10

21 A. Should I answer that 17:14:16
22 question for you? I -- this -- these 17:14:17
23 documents live on the web. The web is 17:14:22
24 hyperlinked and these documents are 17:14:25
25 connected to each other. It would be 17:14:27

1 inappropriate to take one of these 17:14:28
2 documents out of context, for example, as 17:14:33
3 Mr. Schneier does, and not evaluate it -- 17:14:35
4 the document in the context from which 17:14:37
5 you can locate it and there are many 17:14:40
6 contexts from which, more than one 17:14:42
7 usually, from which you can find a 17:14:44
8 document. 17:14:47

9 In addition, there are links 17:14:48
10 on these documents that take you to other 17:14:49
11 documents and yet other documents and -- 17:14:52
12 and that is the context in which -- which 17:14:53
13 I view these disclosures. 17:14:56

14 BY MR. FRAWLEY: 17:14:56

15 Q. So Google Privacy Policy 17:15:03
16 provides relevant context for the WAA 17:15:06
17 Help Page; do you agree with that 17:15:10
18 statement? 17:15:15

19 MS. AGNOLUCCI: Object to form. 17:15:15

20 A. When you say "relevant 17:15:16
21 context," could you explain what you 17:15:17
22 mean? 17:15:19

23 BY MR. FRAWLEY: 17:15:19

24 Q. Let me just change the 17:15:23
25 question then to take out the word 17:15:24

1 "relevant." 17:15:26

2 Do you agree that the Google 17:15:27

3 Privacy Policy provides context for the 17:15:30

4 WAA Help Page? 17:15:33

5 A. Yes. 17:15:35

6 Q. How about the other way 17:15:35

7 around; does the WAA Help Page provide 17:15:39

8 context for the Google Privacy Policy? 17:15:42

9 A. Probably, yes. 17:15:46

10 Q. All right. Now, I want to 17:15:54

11 go back one more to Exhibit 13, the 17:15:55

12 Activity Controls page. Let me know when 17:16:00

13 you have Exhibit 13 back up. 17:16:02

14 A. I have it. 17:16:04

15 Q. Do you have an opinion about 17:16:10

16 whether the Activity Controls page in 17:16:11

17 Exhibit 13 contains a definition of the 17:16:13

18 term "Google account"? 17:16:16

19 A. Again, I -- it was not part 17:16:20

20 of my assignment to analyze pages with 17:16:22

21 respect to whether they provided 17:16:25

22 definitions for "Google account." 17:16:27

23 Q. Sitting here right now, I'd 17:16:31

24 like you to take as much time as you 17:16:34

25 need, review Exhibit 13, the Activity 17:16:36

1 Controls page and tell me if you can 17:16:39
2 point me to a definition in that page of 17:16:41
3 the term "Google account." 17:16:43
4 A. You mean ignoring the links? 17:16:45
5 Q. Right. In the page alone 17:16:49
6 that I've -- that Exhibit 13, the 17:16:51
7 Activity Controls page, yes. 17:16:53
8 A. I don't think that would be 17:16:56
9 appropriate. 17:16:58
10 Q. Well, setting aside whether 17:17:00
11 you think it's appropriate or not, I'm 17:17:01
12 asking you -- and again, setting aside 17:17:03
13 the links, can you point me to a 17:17:06
14 definition of "Google account" in the 17:17:11
15 Activity Controls page? 17:17:13
16 A. I'd -- I -- I -- I see 17:17:17
17 "Google Account" at the top left of the 17:17:19
18 page indicating that the activity 17:17:21
19 controls are part of Google account. 17:17:23
20 I've already argued that consumers have 17:17:25
21 a -- at a minimum a lay understanding of 17:17:29
22 what an account means for an online 17:17:32
23 service, but I do not see a called-out 17:17:34
24 text with a header that says, here's the 17:17:39
25 definition of your Google account. 17:17:41

1 Q. Do you think that the Google 17:17:55
2 Privacy Policy provides context for the 17:17:58
3 Activity Controls page? 17:18:00
4 A. Yes. 17:18:02
5 Q. And now the other way 17:18:05
6 around. Does the Activity Controls page 17:18:06
7 provide context for the Google Privacy 17:18:08
8 Policy? 17:18:11
9 A. Yes. 17:18:12
10 Q. Let's go back to the privacy 17:18:26
11 policy, Exhibit 15. 17:18:27
12 A. I'm there. 17:18:39
13 Q. Just bear with me. Do you 17:18:50
14 see the first page of the privacy policy, 17:19:00
15 the paragraph that begins, "You can use 17:19:01
16 our services"? 17:19:03
17 A. Yes. 17:19:04
18 Q. Okay. My question is about 17:19:06
19 the last sentence, do you see where it 17:19:07
20 says -- 17:19:10
21 (Reporter clarification.) 17:19:10
22 MR. FRAWLEY: Oh, no problem. 17:19:10
23 I'm going to start again. 17:19:10
24 BY MR. FRAWLEY: 17:19:10
25 Q. Do you see in the last 17:19:19

1 sentence where the Google privacy says 17:19:20
2 "And across" -- 17:19:31
3 (Reporter clarification.) 17:19:31
4 MR. FRAWLEY: It's -- it's 17:19:31
5 across, A-C-R-O-S-S. But I'd -- I'd 17:19:36
6 like to -- just to -- for the record, 17:19:37
7 I'll go through it again. 17:19:37
8 BY MR. FRAWLEY: 17:19:37
9 Q. Dr. Hoffman, do you see 17:19:44
10 where in the privacy policy it says "And 17:19:45
11 across our services, you can adjust your 17:19:49
12 privacy settings to control what we 17:19:53
13 collect and how your information is 17:19:57
14 used"? 17:20:00
15 Do you see that sentence? 17:20:02
16 A. Yes. 17:20:04
17 Q. Is WAA one of those privacy 17:20:18
18 settings? 17:20:21
19 MS. AGNOLUCCI: Object to form. 17:20:24
20 A. Well, if you scroll down, 17:20:25
21 there is a section called Your Activity 17:20:30
22 and if you click there, you can go to 17:20:34
23 your account and you can control your WAA 17:20:37
24 settings. 17:20:41
25 BY MR. FRAWLEY: 17:20:41

1 Q. I'm going to introduce 17:21:01
2 another exhibit. 17:21:02
3 Before I go to the next 17:21:27
4 exhibit, Dr. Hoffman, do you recall 17:21:29
5 testifying that you think that users have 17:21:30
6 a lay understanding of what it means to 17:21:32
7 set up an account? 17:21:33
8 A. Yes, and what an account is. 17:21:37
9 Q. Do you have any opinion 17:21:49
10 about whether users have a lay 17:21:51
11 understanding of data collected outside 17:21:52
12 of a Google Account? 17:21:57
13 MS. AGNOLUCCI: Object to form, 17:22:02
14 scope. 17:22:04
15 A. That's a more complicated 17:22:05
16 question and that would require, if I 17:22:07
17 were going to answer that, I would want 17:22:12
18 to conduct studies involving consumers to 17:22:13
19 find out what their opinions and 17:22:17
20 impressions were. 17:22:19
21 BY MR. FRAWLEY: 17:22:19
22 Q. Why do you think that's a 17:22:21
23 more complicated question? 17:22:23
24 A. Because I think it's a very 17:22:26
25 simple matter to consider, virtually 17:22:27

1 every online service requires an account 17:22:31
2 and it is a reasonable assumption that 17:22:36
3 consumers have a lay understanding of an 17:22:38
4 account and how to set it up and what -- 17:22:40
5 what it means and what it will allow you 17:22:44
6 to do on the service in some form or 17:22:46
7 shape. But your question about data is 17:22:49
8 more complicated and would involve 17:22:53
9 studying consumers, in my opinion, to 17:22:56
10 arrive at a precise answer. 17:23:00
11 Q. Is there a difference 17:23:15
12 between a Google Account that a person 17:23:15
13 sets up and the Google Account where that 17:23:18
14 person's data is stored? 17:23:21
15 MS. AGNOLUCCI: Object to form. 17:23:24
16 A. Are you -- are you asking me 17:23:26
17 technically? 17:23:29
18 BY MR. FRAWLEY: 17:23:29
19 Q. Conceptually? 17:23:36
20 MS. AGNOLUCCI: Object to form. 17:23:40
21 A. I'm not a technical expert. 17:23:40
22 BY MR. FRAWLEY: 17:23:40
23 Q. Right. No, I'm not asking 17:23:46
24 you as a technical expert. 17:23:47
25 Conceptually, is there a 17:23:49

1 difference between the Google Account a 17:23:51
2 user sets up and the Google account where 17:23:55
3 her data is stored? 17:23:57

4 MS. AGNOLUCCI: Object to form. 17:24:01

5 A. I couldn't answer a question 17:24:04
6 like that without a much more thorough 17:24:05
7 understanding of the accounts and the 17:24:08
8 data, and that's not something I 17:24:10
9 considered in this report. 17:24:13

10 BY MR. FRAWLEY: 17:24:13

11 Q. Okay. Let me introduce the 17:24:18
12 next -- the next exhibit. 17:24:20

13 (Exhibit 16, Document entitled 17:24:22
14 Web & App Activity is Off, marked for 17:24:22
15 identification.) 17:24:22

16 BY MR. FRAWLEY: 17:24:22

17 Q. All right. I've introduced 17:25:07
18 what's been marked as Exhibit 16. Let me 17:25:08
19 know when you have that in front of you. 17:25:13

20 A. I have it. 17:25:14

21 Q. Okay. And do you recognize 17:25:19
22 this document? 17:25:21

23 A. Yes. 17:25:22

24 Q. This is a WAA disclosure 17:25:23
25 that you considered and reviewed for 17:25:27

1 purposes of your report, correct? 17:25:29

2 A. Yes. 17:25:31

3 Q. And just to help you, I want 17:25:36

4 to point you to pages 27 and 29 of your 17:25:38

5 report. 17:25:44

6 A. Yes. 17:26:06

7 Q. Do you have any opinion 17:26:10

8 about whether this disclosure contains a 17:26:11

9 definition for users of the term "Google 17:26:16

10 account"? 17:26:20

11 MS. AGNOLUCCI: Object to form. 17:26:20

12 A. I -- I don't know what type 17:26:24

13 of definition you're looking for, but 17:26:25

14 this disclosure refers to the Google 17:26:27

15 account and, as I said, consumers have a 17:26:33

16 lay understanding of what their Google 17:26:35

17 account is. 17:26:37

18 BY MR. FRAWLEY: 17:26:37

19 Q. But fair to say that this 17:26:44

20 disclosure does not have a definition for 17:26:46

21 users of the term "Google account"? 17:26:48

22 A. It doesn't have a heading -- 17:26:51

23 MS. AGNOLUCCI: Object to form. 17:26:53

24 A. -- that says here's your 17:26:54

25 Google Account definition. 17:26:57

1 BY MR. FRAWLEY: 17:26:57

2 Q. Does it have a definition 17:26:59

3 just without a heading? 17:27:00

4 A. I've argued that these 17:27:08

5 documents are in a context. One links to 17:27:10

6 the other. These documents are related 17:27:14

7 to a Google account and a Google account 17:27:16

8 is discussed in the privacy policy and 17:27:19

9 consumers have a lay understanding of 17:27:22

10 what a Google account is. 17:27:23

11 Q. Do you see how in this 17:27:31

12 disclosure there's a line that says "New 17:27:32

13 activity won't be saved to your account"? 17:27:35

14 Do you see that? 17:27:40

15 A. I do. 17:27:41

16 Q. And do you see how the A is 17:27:42

17 a lower case A in account? 17:27:44

18 A. Yes, I see that. 17:27:47

19 Q. And then further down the 17:27:49

20 bottom, do you see where it says "You can 17:27:51

21 control other settings that save data in 17:27:54

22 your Google Account and learn about the 17:27:57

23 data Google continues to collect and why 17:28:00

24 at policies.google.com"? 17:28:03

25 A. Yes, I see that. 17:28:07

1 Q. And this time, Google 17:28:08
2 Account is written with two capital 17:28:10
3 letters, correct, capital G, capital A? 17:28:13
4 A. Yes. 17:28:15
5 Q. Do you know whether there's 17:28:16
6 a difference between your account with a 17:28:19
7 lower case A and your Google Account with 17:28:21
8 a capital G and a capital A? 17:28:23
9 MS. AGNOLUCCI: Object to form 17:28:26
10 and scope. 17:28:27
11 A. I have no idea. 17:28:28
12 BY MR. FRAWLEY: 17:28:28
13 Q. Do you think that the Google 17:28:34
14 Privacy Policy provides context for this 17:28:37
15 document? 17:28:38
16 A. Yes. 17:28:40
17 Q. Does this document provide 17:28:42
18 context for the Google Privacy Policy? 17:28:43
19 A. Yes. 17:28:46
20 Q. Do you have an opinion about 17:29:02
21 whether this document informs users 17:29:03
22 whether Google Analytics for Firebase 17:29:06
23 will collect data when WAA and sWAA are 17:29:09
24 off? 17:29:12
25 MS. AGNOLUCCI: Object to form 17:29:14

1 and scope. 17:29:14

2 A. I can't render an opinion on 17:29:16

3 that because I did not consider that in 17:29:18

4 my rebuttal. 17:29:20

5 BY MR. FRAWLEY: 17:29:20

6 Q. Dr. Hoffman, we've been 17:29:46

7 talking about a lot of different 17:29:48

8 disclosures just now, right? 17:29:49

9 A. Yes. 17:29:51

10 Q. We talked about the privacy 17:29:53

11 policy, right? 17:29:54

12 A. Yes. 17:29:55

13 Q. We talked about the Google 17:29:57

14 WAA Help Page, right? 17:30:02

15 A. Yes. 17:30:03

16 Q. We talked about the Activity 17:30:03

17 Controls page, right? 17:30:07

18 A. Yes. 17:30:07

19 Q. We talked about this page in 17:30:08

20 front of you marked as Exhibit 16 that's 17:30:10

21 titled Web & App Activity Is Off, right? 17:30:13

22 A. Yes. 17:30:15

23 Q. In any of those documents, 17:30:18

24 have you been able to identify a 17:30:19

25 definition that Google provides to users 17:30:21

1 of the term "Google account"? 17:30:24

2 MS. AGNOLUCCI: Object to form 17:30:26

3 and scope. 17:30:31

4 A. I -- I will answer again 17:30:32

5 that consumers have a lay understanding 17:30:33

6 of what it means to have an account on 17:30:35

7 online services including Google. 17:30:38

8 BY MR. FRAWLEY: 17:30:38

9 Q. So does that mean that in 17:30:44

10 your view it isn't necessary for Google 17:30:45

11 to provide a definition of "Google 17:30:49

12 account"? 17:30:52

13 MS. AGNOLUCCI: Object to form. 17:30:52

14 A. In my rebuttal report, I did 17:30:53

15 not consider whether it was necessary to 17:30:56

16 provide consumers with a definition of 17:30:59

17 "Google account." 17:31:03

18 BY MR. FRAWLEY: 17:31:03

19 Q. So I'll ask my question 17:31:09

20 again because I don't think you answered 17:31:10

21 it. 17:31:15

22 In any of the disclosures 17:31:15

23 that we have been discussing just now, 17:31:17

24 have you been able to identify a 17:31:17

25 definition that Google provides to users 17:31:18

1 of the term "Google account"? 17:31:20

2 A. I believe I have answered it 17:31:25

3 on every page you've asked me, I have 17:31:27

4 indicated that, two things, the first one 17:31:29

5 is that I believe consumers have a lay 17:31:32

6 understanding of what it means to have a 17:31:34

7 Google account. 17:31:36

8 And the second thing I have 17:31:38

9 noted that there is no header on any of 17:31:40

10 these pages that says something to the 17:31:43

11 effect of, here is the definition of 17:31:45

12 "Google account." 17:31:49

13 Excuse me, can we take a 17:31:57

14 five-minute break, please? 17:31:58

15 Q. Of course. 17:32:00

16 MR. FRAWLEY: I'm happy to go 17:32:02

17 off the record. 17:32:03

18 THE VIDEOGRAPHER: Going off the 17:32:04

19 record. The time is 5:32 p.m. 17:32:05

20 (Whereupon, a brief recess is 17:32:05

21 taken.) 17:38:37

22 THE VIDEOGRAPHER: We're back on 17:38:37

23 the record. The time is 5:38 p.m. 17:38:57

24 BY MR. FRAWLEY: 17:38:57

25 Q. Dr. Hoffman, I just have 17:39:03

CERTIFICATION

I, BELLE VIVIENNE, a Nationally
Certified Realtime Reporter, do hereby
certify:

That the witness whose testimony
as herein set forth, was duly sworn by
me; and that the within transcript is a
true record of the testimony given by
said witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 13th day of
July 2023.

Belle Vivienne

BELLE VIVIENNE, CRR, CCR, RPR

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